UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.258
16 February 1994

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Thirteenth session

SUMMARY RECORD OF THE 258th MEETING

Held at Headquarters, New York,
on Friday, 4 February 1994, at 3 p.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 3.15 p.m.

ADOPTION OF THE REPORT (continued)

Draft report of Working Group III (CEDAW/C/1994/WG.III/WP.1)

1. Ms. ILIĆ, introducing the draft report of Working Group III, said that it comprised two sections, one dealing with the follow-up to the World Conference on Human Rights, the other with input to the International Conference on Population and Development. Although the Working Group had not had time to discuss the latter item, it was presenting suggestion No. 6 which dealt with the issue. The recommendations regarding the feasibility of preparing an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women were contained in the first section under suggestion No. 5.

2. In future, there should be fewer groups, for it was preferable for the entire Committee to participate in the drafting of all important recommendations and proposals.

3. The CHAIRPERSON said that the Committee would consider the draft report of Working Group III section by section.

4. It was so decided.

Paragraphs 1-3

5. Ms. SINEGIORGIS suggested that in paragraph 1, the names of Committee members be arranged in alphabetical order.

6. Paragraph 1, as revised, and paragraphs 2 and 3 were adopted.

Section I

7. Section I.A and the preambular paragraph of section I.B were adopted.

8. Ms. CARTWRIGHT proposed, with regard to suggestion No. 5, that the words "and a knowledge of international law and of the experience of the other human rights treaty bodies in the preparation and operation of optional protocols" should be added at the end of paragraph 1.

9. Ms. LIN Shangzhen said that the way suggestion No. 5 was worded seemed to imply that an optional protocol to the Convention would be drafted, yet the Committee had adopted no such decision. Before endorsing any proposal on the subject, she would like to know more about other existing conventions, whether they had optional protocols and if they had produced any positive results, and what the reasons were for having an optional protocol.

10. Ms. ILIĆ said that there was a long history of drafting optional protocols, often within the context of specific circumstances; not all States parties to a Convention were obliged to adhere to its optional protocol. The Committee would look at the optional protocol to the International Covenant on Civil and Political Rights as a model. The World Conference on Human Rights had recommended that the Committee should look into the process of preparing an optional protocol, and in suggestion No. 5, the Committee was merely proposing that a group of experts should draft a proposal that would include suggestions for grievance procedures. The Committee and the Commission on the Status of Women would then review those proposals and make further recommendations.

11. Ms. SINEGIORGIS, in reply to Ms. LIN Shangzhen, said that the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination both had optional protocols. The process of drafting an optional protocol took several years and was a matter than deserved careful consideration.

12. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that since suggestion No. 5 constituted a recommendation that the Committee was making to the Commission on the Status of Women, it would be more appropriate to replace the words "will" and "would" by the word "should".

13. Ms. TALLAWY, replying to Ms. LIN Shangzhen, said that the procedure for drafting an optional protocol was a lengthy one. Although much had been done to improve the existing procedure for receiving complaints, that procedure was still not functioning properly. An optional protocol outlining a complaint procedure was needed.

14. Ms. UKEJE said that there seemed to be a consensus within the Committee for the establishment of an expert group.

15. Ms. LIN Shangzhen pointed out that the World Conference on Human Rights had merely requested the Committee to study the possibility of preparing a draft optional protocol and not to actually prepare such a draft.

16. Ms. ILIĆ replied that the Committee was not trying to prejudge the results of the work of the expert group. Indeed, the group might well decide that it was not feasible to prepare a draft optional protocol. In any event, it would be for the appropriate governmental body to make a final decision on the subject.

17. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) noted that if the Committee decided to establish an expert group, it would have to appoint the members of the group at the current session, since they would be meeting prior to the Committee's next session.

18. The CHAIRPERSON, in reply to a question from Ms. NIKOLAEVA, said that she had just been informed by the Secretariat that the decision to establish an expert group would have no financial implications.

19. Suggestion No. 5, as orally amended, was adopted.

Section II

20. Ms. SINEGIORGIS said that draft suggestion No. 6 required editing and, in particular, the third preambular paragraph should become the first preambular paragraph.

21. Ms. KHAN, supported by Ms. ABAKA, said that the last sentence of paragraph 1 should refer not merely to access to information but to access to complete information on all aspects of family planning.

22. Ms. SCHOPP-SCHILLING said that, while she supported the suggestion, she doubted if it was prudent to change the language which had been used in the Convention itself.

23. Ms. GARCIA-PRINCE likewise supported the amendment. The text should make explicit reference to access to family planning services and to information on safe contraceptive methods.

24. Ms. BUSTELO said that she wished to propose for the Committee's consideration a document prepared by a non-governmental organization. The recommendations, which were in English, were extremely relevant to those currently before the Committee and the language used closely followed the text of the Convention.

25. Ms. SCHOPP-SCHILLING said that the document had a completely different structure from the draft report and, in the limited time available, she could not incorporate it in the draft report.

26. The CHAIRPERSON said that if the Committee agreed, the text would be incorporated into the draft report, with the help of the Secretariat, after the session.

27. Paragraph 1, as amended, was adopted.

28. Ms. LIN Shangzhen suggested that the word "high" should be inserted before "fertility rates" in the second line of paragraph 2.

29. Ms. GARCIA-PRINCE said that it should be made clear that discrimination was largely associated with illiteracy, poverty and high fertility rates but that not all discrimination in employment was caused by those factors.

30. Ms. SCHOPP-SCHILLING said that the objective had been to show the interconnection between illiteracy, poverty, high fertility rates and discrimination, and their interrelationship with population and development issues.

31. Ms. TALLAWY said that the essence of paragraph 2 was to show the link between all problems faced by women, so that all those issues would be taken into account in future policies and planning.

32. Paragraph 2, as amended, was adopted.

33. Ms. GARCIA-PRINCE, referring to paragraph 3, said that it was not clear why reference was made to the creation of employment in the informal sectors; some of the problems faced by women derived from conditions in the informal sector.

34. Ms. SCHOPP-SCHILLING said that the reference had been included in because it was felt that the informal sector was undervalued; it was unlikely to disappear and was an important income-generating sector for women. In many countries women had no access to the formal sector, and in some countries, they did not even have access to the informal sector. Where that was the case, one priority should be to make it possible for them to work in that sector.

35. Mr. MATHIASON (Deputy Director, Department for the Advancement of Women) said that the informal sector, by definition, was not regulated. It was easy to get into, but there were no benefits and there was often exploitation.

36. Ms. ABAKA suggested that the fourth line of the paragraph should be amended to read "the creation of employment in the formal sector and protection and access to social benefits for women working in the informal sector ...".

37. Paragraph 3, as amended, was adopted.

38. Ms. GARCIA-PRINCE suggested that the words "who are amongst the poorest strata of the population" should be inserted in the second line of paragraph 4, after the words "female-headed households", since it was they rather than the well-to-do female heads of household who encountered problems.

39. Paragraph 4, as orally amended, was adopted.

40. Ms. CARTWRIGHT said that the word "value" in the third line of paragraph 5 implied a price and should be replaced.

41. Ms. ILIĆ suggested the wording "her value as a human being".

42. Ms. KHAN suggested that the phrase "and raise the minimum age of marriage for girls to 18" should be added at the end of the paragraph.

43. Paragraph 5, as amended, was adopted.

44. Ms. GARCIA-PRINCE, referring to paragraph 6, said that it should be made clear that women were not responsible for environmental deterioration.

45. Ms. SCHOPP-SCHILLING said that an effort had been made to explain that in many developing countries women were forced to deplete the environment in order to live.

46. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) suggested that the words "especially in terms of" should be replaced by "and".

47. Paragraph 6, as amended, was adopted.

48. Ms. GARCIA-PRINCE suggested that paragraph 7 should be condensed and simplified.

49. Ms. SCHOPP-SCHILLING said that certain ideas in paragraph 7 must be preserved. Firstly, that the Committee appreciated work performed in the home, unpaid labour by family members in family enterprises, and income-generating activities in the informal sector. Secondly, that research into the labour market should take that work into consideration. Thirdly, that that work should be calculated into the gross national product. And fourthly, that once policies had been formulated on that new basis, attention must be paid to removing discriminatory practices in those areas. She proposed that the Committee should adopt paragraph 7 in substance; the exact wording could be reformulated by the Secretariat.

50. The CHAIRMAN said that she took it that the Committee agreed to the proposal.

51. Paragraph 7 was adopted in substance, on the understanding that the exact wording would be reformulated by the Secretariat.

52. Ms. CARTWRIGHT proposed that the words "and financial institutions" should be inserted after the words "international agencies" in paragraph 8, and that the paragraph should be divided into three sentences.

53. Paragraph 8, as orally amended, was adopted.

General Recommendation No. 21 (thirteenth session): Equality in marriage and family relations (CEDAW/C/1994/WG.II/WP.2/Rev.1)

54. Ms. SCHOPP-SCHILLING pointed out that the revised text was in some respects not as clear as the original version, and that the suggestion concerning discrimination against childless women in matters of inheritance had not been included. Moreover, some members of the Committee were dissatisfied with the wording used for abortion. She proposed that the Committee should accept Ms. Cartwright's offer to revise the text in light of the comments and concerns expressed by members of the Committee for adoption at the next session.

55. Ms. GARCIA-PRINCE supported the proposal.

56. Ms. CARTWRIGHT said that the Committee should be clear in its understanding that substantively the text would remain as it was, and that she would simply adapt the text in light of the Committee's criticisms. The text would now have to include a reference to the International Year of the Family.

57. Ms. BUSTELO deplored the fact that the text would not be adopted at the current session, pointing out that, in the interest of advancing the Committee's work, she herself often accepted drafts even when she considered the language less than satisfactory.

58. Ms. GARCIA-PRINCE, while also lamenting that General Recommendation No. 21 could not be adopted as it stood, said that members must be permitted to formulate critiques.

59. The CHAIRPERSON said that as the text had already been adopted in substance the Committee should make every effort to incorporate the latest revisions and adopt the revised text at the next meeting, instead of waiting till the following session.

The meeting rose at 6 p.m.